

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

**In re:**

**W.R. GRACE & CO., et al.**

**Debtors.**

**Chapter 11**

**Case No. 01-1139 (JKF)**

**(Jointly Administered)**

**Related Docket Nos. 5815, 5833**

**5835, 5927, 5950**

**Hearing Date: September 27, 2004**

**APPENDIX IN SUPPORT OF SUPPLEMENTAL BRIEF OF THE FUTURE  
CLAIMANTS' REPRESENTATIVE REGARDING HIS APPLICATIONS  
TO EMPLOY SWIDLER BERLIN SHEREFF FRIEDMAN, LLP  
AND CIBC WORLD MARKETS CORP.**

David T. Austern, the legal representative for future asbestos claimants (the "Future Claimants' Representative" or "FCR"), by his proposed counsel, files this Appendix in support of the Supplemental Brief of the Future Claimants' Representative Regarding His Applications to Employ Swidler Berlin Shereff Friedman, LLP and CIBC World Markets Corp. This Appendix contains copies of orders and applications in other asbestos-related bankruptcy cases providing for employment of financial advisors with indemnification provisions consistent with those requested by CIBC World Markets, Inc. in connection with their employment as the FCR's financial advisors in this case, as described at pages 8-9 of the Supplemental Brief.

September 13, 2004

Respectfully submitted:

By: 

Roger Frankel, Esquire\*

Richard H. Wyron, Esquire\*

Matthew W. Cheney, Esquire\*

Swidler Berlin Shereff Friedman, LLP

The Washington Harbour

3000 K Street, NW, Suite 300

Washington, DC 20007

*Proposed Counsel to David T. Austern  
as Future Claimants' Representative*

\* Pro hac vice application pending

<b>Tab</b>	<b>Case Name &amp; Number</b>	<b>Document</b>	<b>Docket Number</b>	<b>Relevant Pages Regarding Indemnity Provision<sup>1</sup></b>
1	<u>W.R. Grace &amp; Co.</u> , Case No. 01-1139 (Bankr. D. Del.)	Application of the Debtors for Entry of an Order Pursuant to 11 U.S.C. § 327(a) and 328(a) and Fed. R. Bankr. P. 2014(a), 2016 and 5002 Authorizing the Employment and Retention of The Blackstone Group L.P. as Financial Advisor to the Debtors and Debtors in Possession	14	9-10; 71-74; 78-79
2	<u>W.R. Grace &amp; Co.</u> , Case No. 01-1139 (Bankr. D. Del.)	Order Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Fed. R. Bankr. P. 2014(a) and 2016 Authorizing the Employment and Retention of The Blackstone Group L.P. as Financial Advisor to the Debtors and Debtors in Possession	558	84-85
3	<u>Combustion Engineering, Inc.</u> , Case No. 03-10495 (Bankr. D. Del.)	Application Pursuant to Sections 327, 328 and 1107 of the Bankruptcy Code for Order Authorizing Debtor and Debtor in Possession to Retain The Blackstone Group L.P. as Its Financial Advisor	16	93-94
4	<u>Combustion Engineering, Inc.</u> , Case No. 03-10495 (Bankr. D. Del.)	Amended Order Granting Debtor's Application Pursuant to Sections 327, 328 and 1107 of the Bankruptcy Code for Order Authorizing the Debtor and Debtor in Possession to Retain The Blackstone Group L.P. as Its Financial Advisor	230	122-123

<sup>1</sup> The pages of this Appendix are sequentially numbered. Citations to the "Relevant Pages Regarding Indemnity Provisions" refer to the pages, numbered as in this Appendix, which contain the provision approved in the case identified therein.

Tab	Case Name & Number	Document	Docket Number	Relevant Pages Regarding Indemnity Provision
5	<u>Combustion Engineering, Inc.</u> , Case No. 03-10495 (Bankr. D. Del.)	Application for an Order Authorizing the Retention and Employment of CIBC World Markets Corp. as Financial Advisor to David T. Austern as Future Claimants' Representative Pursuant to Section 1103(a) of the Bankruptcy Code	313	131-132; 163-165
6	<u>Combustion Engineering, Inc.</u> , Case No. 03-10495 (Bankr. D. Del.)	Order Authorizing the Retention and Employment of CIBC World Markets Corp. as Financial Advisor to David T. Austern as Future Claimants' Representative Pursuant to Section 1103(a) of the Bankruptcy Code	603	172-173
7	<u>Combustion Engineering, Inc.</u> , Case No. 03-10495 (Bankr. D. Del.)	Application for an Order Authorizing Extension of the Retention and Employment of CIBC World Markets Corp. as Financial Advisor to David T. Austern as Future Claimants' Representative Pursuant to Section 1103(a) of the Bankruptcy Code	961	See 204-205
8	<u>Combustion Engineering, Inc.</u> , Case No. 03-10495 (Bankr. D. Del.)	Order Authorizing Extension of the Retention and Employment of CIBC World Markets Corp. as Financial Advisor to David T. Austern as Future Claimants' Representative Pursuant to Section 1103(a) of the Bankruptcy Code	1362	204-205
9	<u>Congoleum Corporation</u> , Case No. 03-51524 (Bankr. D. N.J.)	Application for Order Authorizing the Retention and Employment of SSG Capital Advisors, L.P. as Financial Advisors to the Debtors	222	222-223
10	<u>Congoleum Corporation</u> , Case No. 03-51524 (Bankr. D. N.J.)	Order Authorizing the Retention and Employment of SSG Capital Advisors, L.P. as Financial Advisors to the Debtors	339	227


Tab	Case Name & Number	Document	Docket Number	Relevant Pages Regarding Indemnity Provision <sup>1</sup>
11	<u>Congoleum Corporation</u> , Case No. 03-51524 (Bankr. D. N.J.)	Application of R. Scott Williams, as Future Claimants Representative, for Authorization to Employ CIBC World Markets Corp. as Financial Advisor	459	235-236; 245-247
12	<u>Congoleum Corporation</u> , Case No. 03-51524 (Bankr. D. N.J.)	Order Authorizing Employment of CIBC World Markets Corp. as Financial Advisor to R. Scott Williams, as Future Claimants Representative	500	273
13	<u>Owens Corning</u> , Case No. 00-3837 (Bankr. D. Del.)	Application for Order Authorizing Retention and Employment of Peter J. Solomon Company, as Investment Banker and Financial Advisor for James J. McMonagle, Legal Representative for Future Claimants	3694	280; 302-303
14	<u>Owens Corning</u> , Case No. 00-3837 (Bankr. D. Del.)	Order Pursuant to Sections 327(a), 328(a) and 1103(a) of the Bankruptcy Code Authorizing the Retention and Employment of Peter J. Solomon Company as Financial Advisor and Investment Banker to James J. McMonagle, Legal Representative for Future Claimants	4253	324
15	<u>USG Corporation</u> , Case No. 01-2094 (Bankr. D. Del.)	Amended Application for Order Pursuant to Sections 327, 524(g) and 1103 of the Bankruptcy Code and Fed. R. Bankr. P. 2014 Authorizing Retention and Employment of CIBC World Markets Corp., as Financial Advisor and Investment Banker for Dean M. Trafelet, Legal Representative for Future Claimants, Nunc Pro Tunc to July 29, 2002	2845	337; 358-360

Tab	Case Name & Number	Document	Docket Number	Relevant Pages Regarding Indemnity Provision <sup>1</sup>
16	<u>USG Corporation</u> , Case No. 01-2094 (Bankr. D. Del.)	Order Pursuant to Sections 327, 524(g) and 1103 of the Bankruptcy Code Authorizing the Retention and Employment of CIBC World Markets Corp. as Financial Advisor and Investment Banker to Dean M. Trafelet, Legal Representative for Future Claimants Nunc Pro Tunc to July 29, 2002	2893	366-367; 376-378
17	<u>USG Corporation</u> , Case No. 01-2094 (Bankr. D. Del.)	Application for Order Pursuant to 11 U.S.C. §§ 327, 524(g) and 1103 and Fed. R. Bankr. P. 2014 Authorizing Dean M. Trafelet, Legal Representative for Future Claimants, to Modify and Extend Terms of Retention and Employment of CIBC World Markets Corp., as His Financial Advisor and Investment Banker	3532	386; 408-410
18	<u>USG Corporation</u> , Case No. 01-2094 (Bankr. D. Del.)	Order Pursuant to 11 U.S.C. §§ 327, 524(g) and 1103 and Fed. R. Bankr. P. 2014 Modifying and Extending the Retention and Employment of CIBC World Markets Corp. as Financial Advisor and Investment Banker to Dean M. Trafelet, Legal Representative for Future Claimants	3648	416-417
19	<u>Armstrong World Industries, Inc.</u> , Case No. 00-4417 (Bankr. D. Del.)	Application for Order Pursuant to Sections 1103(a) and 328(a) of the Bankruptcy Code Authorizing the Retention and Employment of Houlihan, Lokey, Howard & Zukin, Inc., as Financial Advisor and Investment Banker to the Official Committee of Unsecured Creditors and for Approval of Proposed Terms of Employment	420	447-448

Tab	Case Name & Number	Document	Docket Number	Relevant Pages Regarding Indemnity Provision <sup>1</sup>
20	<u>Armstrong World Industries, Inc.</u> , Case No. 00-4417 (Bankr. D. Del.)	Order Pursuant to Sections 1103(a) and 328(a) of the Bankruptcy Code Authorizing the Retention and Employment of Houlihan, Lokey, Howard & Zukin, Inc., as Financial Advisor and Investment Banker to the Official Committee of Unsecured Creditors and for Approval of Proposed Terms of Employment	581	463
21	<u>Armstrong World Industries, Inc.</u> , Case No. 00-4417 (Bankr. D. Del.)	Application for Order Pursuant to Sections 105(a), 327 and 524(g) of the Bankruptcy Code and Fed. R. Bankr. P. 2014 Authorizing Retention and Employment of Peter J. Solomon Company, as Investment Banker and Financial Advisor for Dean M. Trafelet, Legal Representative for Future Claimants Nunc Pro Tunc to February 20, 2002	2120	470; 489-490
22	<u>Armstrong World Industries, Inc.</u> , Case No. 00-4417 (Bankr. D. Del.)	Order Pursuant to Sections 105(a), 327, 524(g) and 1103 of the Bankruptcy Code Authorizing the Retention and Employment of Peter J. Solomon Company as Financial Advisor and Investment Banker to Dean M. Trafelet, Legal Representative for Future Claimants Nunc Pro Tunc to February 20, 2002	2664	500-501

**CERTIFICATE OF SERVICE**

I, DEBRA L. FELDER, do hereby certify that I am over the age of 18, and that on September 13, 2004, I caused the *Appendix in Support of Supplemental Brief of the Future Claimants' Representative Regarding His Applications to Employ Swidler Berlin Shereff Friedman, LLP and CIBC World Markets Corp.* to be served upon those persons registered to receive electronic notices via ECF.

  
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Debra L. Felder  
Swidler Berlin Shereff Friedman, LLP